IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5519 of 2005

Between:

P. Ramachandra Reddy, S/o P. Narayan Reddy, Sr.Asst.
Non-Conventional Energy Development Corporation

of Andhra Pradesh Ltd, Hyderabad.

..... PETITIONER

AND

The Vice-Chairman and Managing Director,

Non-Conventional Energy Development Corporation of
Andhra Pradesh Ltd, 5-8-207/2, Pisgha Complex,

Nampally, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the impugned Proceedings in Ref.No. NEDCAP/PERS/PR/2005, dt. 7-3-2005 passed by the respondent in placing the petitioner under suspension till the completion of disciplinary proceedings, without there being any misbehaviour on the part of the petitioner, as illegal, arbitrary, unconstitutional and contrary to Rule-8 of CCCA Rules besides being violation of principles of natural justice and consequently set-aside the same and pass such other order or orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.VENKAT REDDY THIPPARTHI

Counsel for the Respondent: MR.G.BHASKAR

The Court at the admission stage made the following:

ORDER:

Challenging the impugned proceedings No.NEDCAP/PERS/PR/2005, dated 07.03.2005, passed by the respondent in placing the petitioner under suspension, the present writ petition is filed.

The learned Counsel for the petitioner contended that the impugned proceedings do not indicate about misbehaviour of the petitioner with the staff or about his misconduct so as to place him under suspension, and therefore, the impugned proceedings are liable to be set aside.

On the other hand, the learned standing Counsel for the respondent contended that on 11.02.2005, in the absence of the District Manager, the petitioner entered into the District Manager's chamber and sat on his chair and enquired about the District Manager and created terror among the staff members, and therefore, the petitioner was rightly placed under suspension.

Normally this Court will not interfere with the suspension pending enquiry unless the authority, whose jurisdiction is challenged. In this case the Chairman and Managing Director of the respondent Corporation has passed the impugned order, placing the petitioner under suspension. The authority, who passed the impugned order, is not challenged. The only ground raised in this writ petition is that the allegations in the impugned proceedings do not indicate about the misconduct of the petitioner.

The respondent, for perusal of this Court, filed a copy of the report said to have been submitted by the District Manager, NEDCAP, Kadapa. The said report clearly discloses about the misconduct of the petitioner on 11.02.2005, in the

absence of the District Manager. Therefore, the writ petition is devoid of merit.

Accordingly, the writ petition is dismissed. However, the respondent shall complete the enquiry, uninfluencing the observations made in this writ petition, within a period of 2 (two) months from the date of receipt of a copy of this order. No order as to costs.

Dated: 18.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Vice Chairman and Managing Director,

Non-conventional Energy Development

Corporation of Andhra Pradesh Ltd.,

5-8-207/2, Pisgha Complex,

Nampally, Hyderabad

2. Two CD copies

3. 1 CC to MR.VENKAT REDDY THIPPARTHI

4. 1 CC to MR.BHASKAR

*Form-NIC-OGS/WP{**AVLR**}*